

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 14 OCT 2005

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To:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

10-10-2005

Applicant's or agent's file reference

B 310 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/SE2005/000932

International filing date (day/month/year)

17.06.2005

Priority date (day/month/year)

22.06.2004

International Patent Classification (IPC) or both national classification and IPC

A61F 2/46, B01F 13/00, B01F 15/02

Applicant

Bone Support AB et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE

Patent- och registreringsverket

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE2005/000932

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-55	YES
	Claims		NO
Inventive step (IS)	Claims	1-55	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-55	YES
	Claims		NO

2. Citations and explanations:

Documents cited in the International Search Report:

D1: US, 6431743, B1
D2: US, 5551778, A
D3: US, 5501520, A
D4: US, 4338925, A
D5: WO, 2004002615, A1

The cited documents represent the general state of the art.
The invention defined in claims 1-55 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed device for producing a bone substitute and/or bone reinforcing material or bone cement. A piston is provided in a mixing space of a mixing chamber. A rotatable means releases the piston such that the piston can move towards an opening. Furthermore, there are three alternative modes of operation 1) the rotatable means can follow the piston in the mixing space 2) a screw includes a nut and is located in the mixing container such that the screw is non-rotatable 3) the mixing container is connected to a distributor and several containers are connected to the distributor. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-55 is novel and is considered to involve an inventive step. The invention is industrially applicable.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawing or on the question whether the claim are fully supported by the description, are made:

The wording of claims 38-49 does not comply with the PCT Article 6 and Rule 13. The claims 38-49 should be phrased as "use-claims".